

Rebecca Pritchard

From: David Bulpitt
Sent: 26 March 2014 15:37
To: 'Emma Zeeman'; Carole Wood
Subject: RE: High Court Issues Withdrawal of Home Office Police Pensions Guidance

I *think* we are OK with this Emma. At the last National Attendance Management forum this was dealt with (as referred to below). The draft guidance issued there looks usable I think. I am not surprised that it was found to be unlawful to reduce everyone to band 1 at retirement. That may have been what the Home Office intended but if that is the case they should have put it in the regs!

Eventually we will need to decide what to do with those approaching retirement age but as of now I believe that Carole and I are clear about what to do.

There'll be an awful lot of appeals though. And apparently we have the new 2015 pension regs to look forward to (we found out).

Kind regards

David

Dr David Bulpitt
Force Medical Adviser

From: Emma Zeeman
Sent: 26 March 2014 15:02
To: Carole Wood; David Bulpitt
Subject: FW: High Court Issues Withdrawal of Home Office Police Pensions Guidance
Importance: High

FYA Not sure if this is good or bad for us

From: Cox, Sue (7092) [<mailto:Sue.Cox@dorset.pnn.police.uk>]
Sent: 26 March 2014 13:10
To: Emma Zeeman; 'Raj Patel (Rajinder.Patel@gloucestershire.pnn.police.uk)'; 'Zoe Durrant (zoe.durrant@wiltshire.pnn.police.uk)'
Cc: Smith, Graham
Subject: FW: High Court Issues Withdrawal of Home Office Police Pensions Guidance
Importance: High

Dear all

The High Court has quashed guidance issued by the Home Office which has been used to reduce the injury pensions of injured former police officers. All of these cuts to the pensions of former injured pensions will now have to be further reviewed.

The High Court ordered the Home Office to publicise the withdrawal of the unlawful guidance on its website and subsequently, on the 21st February 2014, the Home Office withdrew the entirety of Annex C Guidance and also similar guidance which formed part of a Home Office Publication entitled, Guidance on Medical Appeals.

<https://www.gov.uk/government/publications/police-pensions-notification>

The HO link initially refers to the case of SIMPSON and a Court ruling which previously found HO guidance (circular 46/2004) unlawful when dealing with injury pension reviews at State Pension Age (SPA). In simple terms this meant that Forces should NOT have automatically reduced qualifying officers pensions to band 1 at age 65 (which the circular originally told us to do). This affected four officers locally who have now, after much debate, been reinstated to their original bandings including appropriate back-payment (no interest applied). I've attached a couple of emails relating to these cases which importantly include a decision from Neal Butterworth that we would reinstate/pay back-payments etc; basically we had no choice. The whole issue of IOD and age 65 reviews has been widely debated at NAMEF.

The HO are now saying that the guidance relating to pension reviews at Compulsory Retirement Age (CRA) – and thereby our previous decisions to also automatically reduce such pensions to band 1 – is also unlawful i.e. case of SLATER. This decision was published on the 21st February 2014.

NARPO have published guidance to injured former police officers recommending that if they have had their injury award reduced as a consequence of reaching Compulsory Retirement Age and the use of the National Average Earnings (ASHE), they should write to their Force requesting that their Injury Award be re-instated to its former Band. The Force has now received such a request.

<http://www.narpo.org/index.php/pensions/injury-pensions.html>

I would be grateful if you could advise how you will be addressing this issue and whilst this e-mail has been circulated on my behalf; please could you reply direct to Lynn.tong@dorset.pnn.police.uk

Many thanks and kind regards

Lynn

Lynn Tong – Chartered MCIDP
HR Specialist

 Personnel Services, Dorset Police, Winfrith, Dorset, DT2 8DZ

 700 3875/07500 444352

 Lynn.tong@dorset.pnn.police.uk

Please visit us at www.dorset.police.uk or give feedback at feedback.dorset.police.uk

If you have information about a crime you can contact Crimestoppers on **0800 555111** in confidence, your call will not be traced and you may receive a cash reward.

If you have information on possible terrorist activity call the anti terrorism hotline in confidence on **0800 789 321**

E-mail Disclaimer

Internet e-mail is not to be regarded as a secure means of communication. Dorset Police monitors all Internet e-mail activity and content. This communication and any files transmitted with it is intended for the person(s) to whom it is addressed and may be confidential, legally privileged and protected in law. Unauthorised use, disclosure, copying or distribution is prohibited. Please notify the sender if received in error. Opinions expressed in this communication may not be official policy. Thank you for your co-operation.

(c) Dorset Police.

Virus Disclaimer

Dorset Police takes all reasonable steps to ensure electronic communications are protected from virus infection but cannot accept any liability for any loss or damage sustained as a result of software viruses. Intended recipients are responsible for carrying out virus checking as is necessary before opening any attachments.
